

ESTTA Tracking number: **ESTTA644622**

Filing date: **12/16/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Applicant:	Seadog Sports Consultants Corporation
Application Serial Number:	86240907
Application Filing Date:	04/03/2014
Mark:	INFLOW
Date of Publication	08/19/2014

60 Day Request for Extension of Time to Oppose Upon Extraordinary Circumstances

Pursuant to 37 C.F.R. Section 2.102, TEADS TECHNOLOGY, 159 rue de Thor, MONTPELLIER, F-34000, FRANCE respectfully requests that he/she/it be granted an additional 60-day extension of time to file a notice of opposition against the above-identified mark for extraordinary circumstances shown .

Potential opposer believes that extraordinary circumstances are established for this request by:

- While normally the mere filing of a letter of protest does not constitute the extraordinary circumstances necessary for obtaining a final sixty day extension of time, see TBMP Â§207.03, the present circumstances are extraordinary. On April 3, 2014, Applicant Seadog Sports Consultants Corporation filed actual use Application Serial Number 86240907 for the mark INFLOW, for use in connection with marketing services, claiming March 31, 2014, as the date of first use and first use in commerce. On April 25, 2014, the USPTO gave Serial Number 79153413 to potential opposer TEADS Technology request for extension of protection to the United States of International Registration Number 1219365, issued on April 25, 2014, with a base application date of November 12, 2013, (#TEADS# Request#). The Class 035 services recited in TEADS# Request are as follows: Advertising; business management; business administration; office functions; dissemination of advertising material (leaflets, prospectuses, printed matter, samples); newspaper subscription services (for others); business management and organization consultancy; employment agencies; computerized file management; organization of exhibitions for commercial or advertising purposes; online advertising on a computer network; rental of advertising time on all communication media; publication of advertising texts; rental of advertising space; dissemination of advertisements; public relations; sales promotion for the products of others; commercial interfacing between goods and service suppliers and providers and individual or professional clients, including services relating to price comparisons, critiques of goods and services promoted, consumer advice on goods and services promoted, sales promotion for others in the form of links to the web sites of others and information on goods and services promoted; services provided in the context of the retail trade, particularly on the Internet, in utility goods and convenience goods, namely articles for equipping, maintaining and repairing vehicles, textile products, clothing, leather goods, hi-fi and television apparatus, communication apparatus, products for cars, games, toys, sports articles; supply for others of utility goods and convenience goods namely articles for equipping, maintaining and repairing vehicles, textile products, clothing, leather goods, hi-fi and television apparatus, communication apparatus, products for cars, games, toys, sports articles; price comparison services; linkage between commercial and professional contacts; negotiation and conclusion of commercial contractual transactions for others; negotiation and conclusion of commercial contractual transactions for third parties on the purchase and sale of goods and on the provision of services; consumer information and advice; demonstration of products; dissemination of product samples for advertising purposes; market study; market research; opinion polling. On October 21, 2014, the USPTO issued an office action with respect to TEADS# Request, advising TEADS# that the filing date of Applicant#s Serial No. 86240907 preceded TEADS# filing date and, if the mark in that application registered, TEADS# mark may be refused registration because of a likelihood of confusion between the two marks. (TEADS believes that at the time of the office action, the USPTO database did not show TEADS# priority date of November 13, 2013, and, therefore, the USPTO relied on the filing date of April 25, 2014, assigned by the USPTO to TEADS# Request, and not the November 13, 2013, priority date.) Based on the fact that the USPTO itself believes there could be a likelihood of confusion between the two marks, and based on the fact that TEADS has an earlier priority date, then issuance of a registration for Serial No. 86240907 without consideration of the is-

sues and evidence presented would be a clear error by the USPTO. As a result, TEADS filed a letter of protest. Although the most appropriate time for filing a letter of protest is before publication of a mark and, in any event, should be filed within 30 days after publication, exceptions can be made under special circumstances. TMEP Â§1715.03(b). Special circumstances, however, existed in this matter. TEADS was aware of the publication of the mark in Serial No. 86240907, and it acted in a timely manner to seek an extension of time to oppose, based on its own belief of a likelihood of confusion between the two marks. However, TEADS was unaware that the USPTO itself believed that there was potentially a likelihood of confusion between the two marks until the USPTO issued its October 21, 2014, office action, more than two months after the USPTO published the mark in Serial No. 86240907. Because TEADS is located in France, consultation between TEADS, its French counsel, and its U.S. counsel took additional time. Therefore, TEADS respectfully requested the Deputy Commissioner to grant its letter of protest forward to the examining attorney the information contained in this letter and its exhibits in order to make an independent determination whether to issue a requirement or refusal based on them. TEADS respectfully posits that, since the USPTO has already found that Applicant's mark and TEADS' mark are confusingly similar, the Deputy Commissioner will review and grant TEADS' letter of protest. The USPTO will then withdraw Applicant's mark from publication for reexamination. TEADS respectfully suggests that judicial economy will best be served by granting its request for a final extension of time in order to allow the Deputy Commissioner to review and grant its letter of protest.

The time within which to file a notice of opposition is set to expire on 12/17/2014. TEADS TECHNOLOGY respectfully requests that the time period within which to file an opposition be extended until 02/15/2015.

Respectfully submitted,

/Dean R. Karau/

12/16/2014

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